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The Honorable Charles R. Breyer
United States District Judge
United States District Court, Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: In re: Volkswagen "Clean Diesel Marketing, Sales Practices, and Products Liability
Litigation, MDL 2672 CRB (JSC)

Dear Judge Breyer:

Pursuant to Pretrial Order No. 2, Jeffrey A. Berman and Anderson + Wanca respectfully seek appointment to the Law Subcommittee of the Plaintiffs' Steering Committee ("PSC"). We request consideration for appointment either by the Court, or by such counsel (*e.g.*, Lead Counsel or the PSC) to whom the Court may delegate such assignments. We share the sentiment expressed by others that the prosecution of this litigation will benefit from creation of a Law Subcommittee, or similar entity, to research, investigate, analyze, formulate, assert, and brief the appropriate federal and state law issues and claims. We believe we are qualified and our participation would enhance that anticipated effort. We do not seek consideration for membership on the PSC itself.

We have filed cases in Florida and Illinois on behalf of persons who purchased "Clean Diesel" vehicles from Volkswagen of America, Inc. ("VW") during the relevant time period, both of which are now pending before this Court: *Earl Scott Wright v. Volkswagen Group of America, Inc.*, Case No. 2:15-cv-00684 (M.D. Fla.), and *James Jackson Hutton, Scott D. Anderson, and Nick Hutchings v. Volkswagen Group of America, Inc.*, Case No. 1:15-cv-10099 (N.D. Ill.).

Founded in 1998, Anderson + Wanca is a boutique class-action law firm practicing in courts across the country. The firm remains at the forefront of class action prosecution, with a highly experienced team of attorneys who have successfully litigated complex, class litigation matters in state, federal and appellate courts, including precedent-setting cases with nationwide implications. Anderson + Wanca has been appointed as class counsel in well over one hundred cases of varying complexities, and has obtained multi-million dollar judgments and settlements in a large number of cases.

To meet the needs of evolving and complex class action litigation, Anderson + Wanca has developed substantial firm expertise and capabilities in pre- and post-class certification trial court practice, electronic discovery, data management (using proprietary software), class action trial practice, and appellate practice. The firm also has substantial experience in insurance coverage matters and regularly obtains significant recoveries for clients and class members in insurance coverage litigation arising out of class action judgments. Additional information about the firm, and my colleagues can be found at our firm website: <http://www.andersonwanca.com>.

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I understand that this MDL will require a large amount of time, effort and resources. My firm and I are committed to this case and are willing to devote the time, staffing and appropriate financial resources required to bring it to a successful resolution. I am seeking appointment as a member of the Law Subcommittee, or in any other capacity in which I may be of use to the collaborative effort.

I am a member of the Bar of the State of Illinois, and I am admitted to practice in a number of United States District Courts and Courts of Appeal. I am a seasoned litigator and trial lawyer, with more than 28 years' of experience in a wide range of complex litigation, on both sides of the "v," including in class actions and related insurance coverage litigation. In accordance with Pretrial Order No. 2, I have attached to this letter (1) an edited version of my personal resume; (2) a listing of published decisions in which I have played a lead or significant role over the years.

During just the past year, in 2015, I have appeared as lead counsel or co-lead counsel in complex civil litigation matters nationwide, including cases pending in thirteen United States District Courts, six United States Courts of Appeal, seventeen state trial courts, eight state appellate courts, and two state supreme courts. Included in those matters:

- I was lead trial counsel for policyholders and class claimants in an action tried before a jury in New Jersey Superior Court which resulted in entry of a \$5.5 million judgment in favor of the class.
- I was lead co-counsel for class claimants in an action in Massachusetts Superior Court which resulted in entry of judgment declaring a duty to indemnify an underlying class action judgment of approximately \$15.8 million.
- I was lead co-counsel for class claimants in an insurance coverage action in Illinois Circuit Court which resulted in entry of judgment in favor of the class for approximately \$16 million.
- I was co-lead counsel for class claimants in an action in Missouri Circuit Court which resulted in entry of judgment in favor of the class for approximately \$6 million.
- I was co-lead counsel for consumer class claimants in an insurance coverage action in Illinois Circuit Court which resulted in entry of judgment in favor of the class declaring a duty to indemnify an underlying class action judgment of approximately \$5 million.
- I was co-lead counsel in matters argued before the United States Court of Appeals for the Sixth Circuit, Seventh Circuit, Eighth Circuit, Tenth Circuit and D.C. Circuit, along with matters argued before State Courts of Appeal in Illinois, Michigan, Missouri, and Wisconsin.

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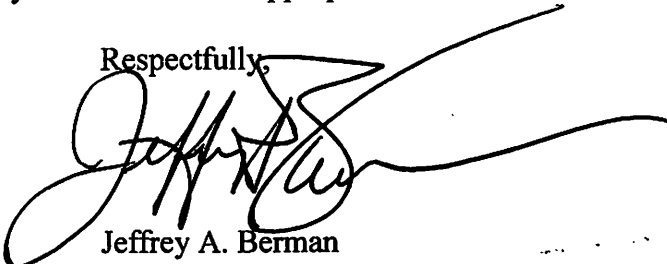
- I was lead counsel for amici in the Illinois Supreme Court in an action which resulted in a groundbreaking opinion protecting the rights of claimants against aggressive pick-off strategies in use by class action defendants.
- I was co-lead counsel for consumer class claimants in ten additional insurance coverage actions, litigated in various jurisdictions that resulted in separate settlements totaling approximately \$42.5 million.

Some of the Judges before whom I have appeared recently as counsel in complex litigation matters include: (1) Judge Katie Gummer, J.S.C., Monmouth County, New Jersey Superior Court; (2) Judge Margaret Mullen, Nineteenth Judicial Circuit, Lake County, Illinois; (3) Judge Diane Winter, Nineteenth Judicial Circuit, Lake County, Illinois.

As the Court observed during the last hearing, this case is unique in several ways that likely will affect how the litigation proceeds. First, given the fact that defendants have conceded certain factual matters that likely will be sufficient to establish liability, efforts are likely to focus substantially on achieving a bona fide resolution that fairly compensates those affected by the conduct at issue. The Court has and will see submissions from lawyers seeking leadership positions who can point to substantial experience in multidistrict proceedings which, I readily concede, you will not find on my resume. Given the expected path of this litigation, however, I believe that counsel who are experienced in resolving complex cases, including crafting creative remedies, are well suited to participate in efforts to move the litigation forward. Our firm has extensive experience in litigating and, perhaps more importantly, resolving complex cases, and has much to offer to the collective effort in that regard. Likewise, I believe that my experience in complex litigation and class actions provides me with a keen sense of the demands and challenges presented in the instant action, and the background necessary to cohesively collaborate and contribute to the advancement of the clients' common good. In sum, I firmly believe that based on our experience in litigating and resolving complex cases, I and our firm would be assets to this MDL.

I thank the Court in advance for your consideration. If there is any further information or references that Your Honor would like me to provide, please have your Chambers contact me. I look forward to serving in any capacity the Court deems appropriate.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey A. Berman", with a long, sweeping horizontal line extending to the right.

Jeffrey A. Berman

cc: All Counsel of Record via ECF